

What's New for 2008

Montana Mineral Royalty Tax Withholding –

Effective January 1, 2008, royalty payments made to owners of Montana mineral rights are subject to state income tax withholding if applicable thresholds are met. This amount should not be confused with amounts subtracted from your royalty payments for production taxes. The amount of the Montana income tax withheld from royalty payments received during the year is generally reported to you on federal Form 1099. If the mineral rights are held by a partnership or S corporation and you have an ownership interest in that entity, enter the amount reported to you as your share of the withholding. Please see the instructions for line 50 on page xx for more information.

Temporary Emergency Lodging Credit – For tax years beginning after December 31, 2007, there is a credit available for participation in the temporary emergency lodging program. Please contact the Department of Health and Human Services at <http://www.dphhs.mt.gov/PHSD/Food-consumer/emergency-lodging.shtml> for additional information regarding participation in this program. The credit is equal to \$30 for each day of lodging provided in Montana and is limited to a maximum of 5 nights' lodging for each individual. See the instructions for Schedule III, line 28, on page xx for more information.

Voluntary Check-off: Montana Military Family Relief Fund – The purpose of the fund is to aid members of the Montana National Guard or reserve component who have been activated for federal service in a contingency operation and the families of members. You may now make a voluntary contribution to this program from your tax return. We encourage you to consider all the available voluntary check-off programs included on page xx of Form FID-3.

Please Note As Well.....

Interest on Unpaid Income Tax Liabilities - The current interest rate of 8% that is effective for

individual income tax will continue to be in effect through December 31, 2009. The daily accrual interest rate for all unpaid income taxes depends on the rate set by the Internal Revenue Service and may fluctuate each year, but will never be less than 8%.

Amended Tax Returns - If you file an amended tax return that reflects an increased tax liability, you may have the late payment penalty waived. In order to receive the waiver, simply check the "Amended Return" box on the left-hand corner of the tax form and pay the tax and applicable interest in full. By checking this box, you are requesting a waiver of the late payment penalty.

Paragraph for check box for "Do Not Send Forms"
Place holder for information

General Information

Who Must File Form FID-3

The fiduciary of a Montana estate or trust (guardian, trustee, executor, administrator, receiver, conservator, or any person acting in a position of trust or fiduciary capacity for any other person or group of persons) must file a Montana Income Tax Return for Estates and Trusts (Form FID-3) if:

- a resident trust or estate has Montana adjusted total income of \$xxxx or more,
- a nonresident trust or estate has Montana adjusted total income of \$xxxx or more.

A tax return is not required to be filed if the estate or trust is held for an educational, charitable or religious purpose.

If an estate or trust is not required to file a federal tax return, it is not required to file a Montana tax return. No distinction is made between living trusts (created by the grantor and funded during his or her lifetime) and testamentary trusts (becoming operative upon the death of the grantor).

Resident Estate or Trust

An estate is treated as a resident estate if the decedent was domiciled in Montana on the date of his or her death. If the estate is other than an estate of a decedent, it is treated as a resident estate if the person for whom the estate was created is a Montana resident.

A trust is treated as a resident trust if three or more of the following occur in Montana:

- Domicile of the grantor
- Creation of the trust
- Existence of trust property
- Domicile of the trustee
- A Montana court is able to exercise primary supervision over the administration of the trust
- Administration of the trust (one or more Montana residents have the authority to control all substantial decisions of the trust)

Nonresident Estate or Trust

If the estate or trust does not qualify as a resident estate or trust, it is treated as a nonresident trust.

With a nonresident estate or trust, your Montana tax liability is computed as if you were a resident estate or trust, and then multiplied by the ratio of the estate's or trust's Montana source income to total income.

Please refer to the instructions on page x, Schedule II, Nonresident Estate and Trust Tax.

What has to be Filed

The fiduciary has to file Form FID-3 and attach a complete copy of the federal income tax return Form 1041. All Schedule K-1s must be attached to the tax return. Upon approval, the fiduciary may submit federal Schedule K-1s on diskette or compact disk in an acceptable format. If you do not attach a complete copy of the federal tax return, your tax return may be considered delinquent.

When to File

The tax return is due on or before the 15th day of the 4th month following the close of the estate or trust's taxable year. For a calendar year filer, the due date is April 15, 2009. For fiscal year estates and trusts, file Form FID-3 by the 15th day of the 4th month following the close of the tax year. If the due date falls on a weekend or a holiday, the tax return is due on the next business day.

Tax Period or Year Covered by Tax Return

Use the 2008 Form FID-3 to file your tax return for calendar year 2008, or the fiscal year beginning in 2008. If the tax return is for a fiscal year or a short tax year (less than 12 months), enter the taxable year in the space at the top of Form FID-3.

Where to File

Please mail your fiduciary tax return to:

Montana Department of Revenue
PO Box 5805
Helena MT 59604-5805

Accounting Method and Period

An estate or trust should use the same accounting method and accounting period as used for federal tax purposes. A change in accounting methods or accounting periods requires prior approval from the Internal Revenue Service. Attach a copy of the federal approval to your tax return if you change your accounting method or period.

Electing Small Business Trust (ESBT)

If the trustee makes the election under IRC Section 1361 for the trust to be an electing small business trust (ESBT) for federal purposes, the trust will be treated as an ESBT for Montana income tax purposes. No separate election for Montana purposes is required.

Special rules apply when computing the tax of an ESBT. The portion of an ESBT that consists of stock of one or more S corporations, which is treated as a separate trust for federal tax purposes, is combined with the remainder (non S corporation portion) in computing Montana adjusted total

income or loss. The Montana tax liability is calculated in the usual manner, using the regular tax table, on the combined income of the ESBT.

If the ESBT consists entirely of stock in one or more S corporations, complete Form FID-3 reporting the income, losses and deductions of the ESBT as an S corporation shareholder, and any gain or loss from the disposition of S corporation stock as Montana adjusted total income. Attach to the estate or trust tax return the tax computation used in reporting and paying your federal income tax liability.

Grantor Type Trust

If the grantor or another person is treated as the owner of any portion of a trust by reason of the provisions of IRC Section 671 through 678, inclusive, of the Code, the trust is a grantor trust and its income is taxable to the grantor or such other person, not to the trust. The fiduciary of a grantor trust is required to file with the department an informational tax return and send a copy to the grantor/owner, who is required to report the income, deductions, and credits on their Montana individual income tax return. Complete Form FID-3 (reporting the income, losses, and deductions of the grantor trust), check the box "Grantor Type Trust" and attach a copy of the federal Form 1041 information statement.

Extension of Time to File

If you cannot file your tax return by the due date, Montana allows an automatic six-month extension of time to file your tax return if you meet *both* of the following requirements:

1. On or before the due date of your tax return, you have applied with the Internal Revenue Service for an extension of time to file your federal income tax return (federal extension Form 7004).
2. The estate or trust has paid by estimated tax payments, withholding tax, or a combination of estimated tax payments and withholding tax, 90% of the estate's or trust's current-year tax

liability or 100% of its previous year's tax liability.

A valid federal extension is not considered a valid Montana extension unless the estate or trust has met one of the payment requirements identified in item #2 on or before the prescribed due date of the tax return. Complete the Montana EXT Worksheet to determine if you have met the payment requirements. If you are required to make an extension payment, use the tax payment coupon included on the Montana EXT Worksheet.

You must check the extension indicator box on Form FID-3 and attach a copy of your federal extension Form 7004 to your completed Montana income tax return. Do not send copies of the federal extension prior to filing your tax return.

IMPORTANT: An extension of time to file is *not* an extension to pay. If you do not pay the amount of tax due by the original due date, you will owe interest and penalties on any balance due.

If you do not meet these requirements, your extension will be denied and penalties will be assessed.

Amended Tax Return

If you discover that your income tax return was incorrect, you have five years from the due date of the original tax return to file an amended Montana fiduciary tax return and to correct any mistake on your previous tax return. When you file this amended tax return, you will need to complete a new Montana Form FID-3 that reflects the corrections that you are making to your previously filed tax return and check the "Amended Return" box located in the upper left hand corner of Form FID-3.

If you are amending your tax return to carry back a net operating loss, please check the "NOL" box found on the upper left hand corner of Form FID-3.

If you file an amended tax return that reflects an increased tax liability, you may have the late payment penalty waived. In order to receive the waiver, simply check the "Amended Return" box on

the left-hand corner of the tax form and pay the tax and applicable interest in full. By checking this box, you are requesting a waiver of the late payment penalty.

If the Internal Revenue Service changes the federal taxable income of your estate or trust, or if you voluntarily change your federal taxable income, you must file an amended Form FID-3 within 90 days of receiving notification from the Internal Revenue Service or filing your amended federal tax return. The amended tax return must identify the federal adjustments and recalculated Montana tax for the year adjusted.

Tax Preparer Contact Box

You can authorize the department to discuss your Form FID-3 tax return with its tax preparer by checking the "Yes" box at the bottom of page 2 near the signature block on the tax return. If you check this box, we may contact your tax preparer or you for additional information for this year only. You, not the tax preparer, will be informed of any formal tax adjustments that we make.

Estimated Tax Payments

You are required to pay your income tax liability throughout the year. A payment of estimated Montana income tax is generally required if the Montana income tax (after tax credits) minus Montana tax withheld is \$500 or more.

Additional Information.

If you are unable to pay your tax in full, file your tax return by the due date and pay as much as you can with the tax return. If you need to establish a payment plan with us, call (406) 444-6900 as soon as possible to discuss payment options and make payment arrangements.

Rounding

Round the amounts on the tax return to the nearest whole dollar.

Signature

The fiduciary or officer representing the fiduciary is required to sign the tax return.

Form FID-3 Instructions

These are instructions for lines not fully explained on the form. General instructions, which begin on page x, also apply to this form.

Heading. File the 2008 tax return for calendar year 2008 or a fiscal year that begins in 2008 and ends in 2009. For a fiscal year, fill in the tax year space at the top of the form.

Complete the exact name of the estate or trust from federal Form SS-4 (Application for Employer Identification Number) that you used to apply for your Federal Employer Identification Number (FEIN).

If a grantor type trust, write the name, identification number and address of the grantor(s) or other owner(s) in parentheses after the name of the trust.

Enter the FEIN that was assigned to the estate or trust when you submitted your SS-4 and that corresponds to the name of the estate or trust. Do not use any other FEIN.

Check Boxes

Residency status. Check the appropriate box that describes the residency status of the estate or trust. See resident and nonresident estate or trust definitions on page 1 of these instructions.

Type of entity. Check the appropriate box that describes the entity for which you are filing the tax return. Your entity type is the same as claimed on your federal tax return.

Decedent's Estate - taxable estate of a deceased person

Trust - simple, complex or qualified disability trust

ESBT - for examples and additional information see the instructions

Grantor Trust - for examples and additional information see the instructions

Other - examples include bankruptcy estates and pooled income funds

Form PT-WH income tax. If you have income tax withheld from ownership in an S corporation,

partnership or disregarded entity, check the box on the front of Form FID-3 and see the instructions for line 51 on page xx.

Line Instructions

Lines 1 through 8 - Enter all items of income or loss reported on your federal income tax return. Attach copies of applicable federal schedules and forms.

Line 2a - Ordinary Dividend Income. Enter total amount reported on line 2a of federal Form 1041. Montana taxes dividends as ordinary income and does not recognize the federal qualified dividend tax rate.

Line 9 - Total Federal Income. Add lines 1 through 8. This is your federal total income and must match your federal total income reported on federal Form 1041. If you are an ESBT, see page 2 of these instructions.

Montana Additions to Federal Taxable Income

Line 10 - Interest and Mutual Fund Dividends from Other States' State, County or Municipal Bonds. Enter the interest income from state and local government obligations, except for Montana and its political subdivisions, that is exempt from federal income tax and the portion of dividends received from a mutual fund that is attributable to the fund's investment in the same kinds of obligations.

Line 11 - Dividends Not Included in Federal Total Income. Enter the amount of the dividends that you received as Montana source income that are not already included in your total federal income. Do not include your qualified dividends reported on Montana Form FID-3, line 2b since these dividends are already in the total of your ordinary dividends reported on Montana Form FID-3, line 2a.

Line 12 - Taxable Federal Refund. If you claimed a federal tax deduction, either by withholding or by payment of an estimated tax in a prior year, any refund of that tax is income in the year it is received.

Line 13 - Other Recoveries. If you claimed a deduction in a prior year that reduced the Montana taxable income and it was subsequently reimbursed, please show that reimbursement here.

Line 14 - Federal Net Operating Loss (NOL). Enter the federal NOL carryforward if it is included in line 8 and if it is different than the amount available for carryforward for the Montana tax return.

Line 15 - Other Additions. To compute Montana taxable income, certain items have to be added to income. You will need to attach a detailed schedule, if necessary, to the tax return. Examples are:

- State, county, and municipal interest and dividends not taxable under the Internal Revenue Code. Interest and dividends from Montana bonds are not taxable.
- State, local and foreign income taxes based on income or profits have to be added back to income.
- Expenditures used to compute the film production credit have to be included in the income of the year that the expenditures were incurred.
- If you were the owner of a business that received a tax credit from the Insure Montana Small Business Health Insurance program, you are not allowed a deduction for the premiums used to calculate the credit. Because the credit cannot exceed 50% of the premiums, multiply the amount of credit you are claiming by two (2) and enter the result on line 15.

Line 16 - Total Additions. Add lines 10 through 15 and enter the result on line 16.

Montana Subtractions from Federal Taxable Income

Line 17 - Interest from U.S. obligations. Enter the following on this line if included in the amount on line 1:

- Interest income from U.S. obligations. Common sources of interest income that may be entered

on this line include U.S. Series E, EE, F, G, and H savings bonds, U.S. Treasury bills and notes, and securities issued by the Banks for Cooperatives, Commodity Credit Corporation, Federal Deposit Insurance Corporation, Federal Farm Credit System, Federal Home Loan Banks, and Student Loan Marketing Association.

- Interest income from other securities that is specifically exempted from state income tax by federal statute.
- The portion of dividend income from a mutual fund attributable to the fund's investment in the same kinds of securities listed above. Refer to federal Form 1099-DIV to determine what percentage of dividends qualifies for this exemption.

Obligations that are guaranteed by the United States government are not tax exempt. Interest or mutual fund dividends attributable to Government National Mortgage Association (Ginnie Mae) bonds, Federal National Mortgage Association (Fannie Mae) bonds, or Federal Home Loan Mortgage Corporation (Freddie Mac) securities, cannot be subtracted.

Line 18 - State Tax Refunds. If a state refund is included on line 8, deduct it here.

Line 19 - Other Recoveries. If a recovery was shown as income on line 8, but the original deduction did not reduce Montana taxable income, deduct it here.

Line 20 – Partial Pension and Annuity Exemption. You may be able to exempt up to \$3,600 of taxable pension and annuity income. Qualifying pension and annuity income is reported on federal Form 1099-R, with a distribution code 7.

Tier II Railroad Retirement benefits, received from the Railroad Retirement Board are exempt from Montana tax. Enter the full amount of Tier II annuity or pension benefits reported on line 8 as a reduction to income on line 20. To calculate your pension and annuity income exclusion, use the worksheet on this page.

Partial Pension and Annuity Income Exemption Worksheet

1. Enter the federal total income from line 9 here 1. _____
2. Phase-out limitation. 2. _____

If line 1 is smaller than line 2, enter the smaller of the pension and annuity income or \$3,600 on line 20. Stop here; do not complete the remainder of this worksheet.

3. If line 1 is larger than line 2, subtract line 2 from line 1 and enter the result here. 3. _____
4. Enter the smaller of the pension and annuity income or \$3,600. 4. _____
5. Double the amount on line 3 and enter the result here. 5. _____
6. Pension and annuity exclusion. Subtract line 5 from line 4. If the result is zero or negative, there is no exclusion. If the number is positive, enter the result here and exclude this amount on Form FID-3, line 20. This is your partial pension and annuity exemption. 6. _____

Line 21 - Montana Net Operating Loss. Use Form NOL for calculating your net operating loss for tax years beginning after December 31, 1998. You must carry back the entire amount of your 2008 net operating loss to the two preceding tax years before the net operating loss unless you have timely elected to forego your carryback and elect to carry forward your net operating loss. Your election to forego the carryback must be made by the due date of your tax return and, once it is made, it is irrevocable.

Use Form NOL-Pre 99 for calculating your net operating losses for tax years beginning prior to January 1, 1999. Attach your completed NOL Worksheet to your tax return.

Line 22 - Other Subtractions. Please specify. Attach information if necessary.

Line 23 - Total Subtractions. Add lines 17 through 22 and enter the result on line 23.

Line 24 - Total Montana Income. Add lines 9 and 16, then subtract line 23 and enter the result here.

Deductions and Exemptions

Line 25 - Interest. From line 10 of federal Form 1041. Check the box if federal Form 4952 is attached.

Line 26 - Federal Income Tax. Enter 100% of the federal income tax paid or accrued within the tax year. As an estate or trust, the federal income tax deduction is not limited to the lesser of \$5,000 or the amount of federal income tax paid or accrued. Do not include state taxes paid.

Line 27 - Other Taxes. Please specify.

Line 28 - Fiduciary Fees. From line 12 of federal Form 1041.

Line 29 - Charitable Deduction. From line 13 of federal Form 1041.

Line 30 - Attorney, Accountant and Tax Return Preparer Fees. From line 14 of federal Form 1041.

Line 31 - Other Deductions not Subject to the 2% Floor. Please attach a schedule.

Line 32 - Allowable Miscellaneous Itemized Deductions Subject to the 2% Floor. Attach a schedule if applicable.

Line 33 - Total Deductions. Add lines 25 through 32 and enter here. These are your allowable deductions before distributions and the exemption.

Line 34 - Adjusted Total Income (or Loss). Subtract line 33 from line 24 and enter the result on line 34.

Line 35 - Income Distribution Deduction. If the estate or trust was required to distribute income currently or if it paid, credited, or was required to distribute any other amounts to beneficiaries during the tax year, complete the following worksheet to determine the estate's or trust's income distribution deduction.

Worksheet for Computation of Montana Income Distribution Deduction:

1. Montana adjusted total income.....
2. Adjusted tax-exempt income
3. Capital gain distributed to beneficiary.....

4. Federal Form 1041 Schedule A line 4.....

5. Short-term gains from federal Form 1041 Schedule A

6. Long-term gains from federal Form Schedule A

7. Montana FID-3, page 1, capital loss

8. Montana FID-3, page 1, capital gain

9. Montana distributable net income.....

10. Income required to be distributed currently

11. Other amounts paid or otherwise required to be distributed

12. Total distribution

13. Amount of tax-exempt interest included in line 12

14. Tentative income distribution deduction (line 12 less line 13)

15. Tentative income distribution deduction (line 9 less line 2)

16. Income distribution deduction. Enter the amount on line 35, page 1, Form FID-3.....

Complete and attach Form FID-3, Schedule I for all beneficiaries for whom the tax is not being paid at the trust level.

Line 36 - Exemption. Each estate and trust is allowed one exemption of \$xxxx.

Line 37 - Total Deductions and Exemption. Add lines 35 and 36 and enter the result here. These are your total deductions, income distribution and exemption.

Line 38 - Taxable Income. Subtract the amount on line 37 from the amount on line 34. This is your Montana taxable income.

Line 39 - Enter the amount from line 38 (taxable income).

Line 40 - Tax Liability. If line 39 is zero or less, enter zero.

For resident estates and trusts, use the tax table on Form FID-3, page xx to compute your tax liability.

For nonresident estates and trusts, use Form FID-3, Schedule II, page xx to complete the calculation of the tax liability.

Line 41 - Capital Gains Tax Credit (15-30-183, MCA). You can claim a capital gains credit against your Montana income tax of up to 2% of the net capital gains. Your net capital gains are the amount you reported on Form FID-3, line 4. This credit is nonrefundable and it cannot reduce the liability below zero. The credit cannot be carried back or carried forward and is applied before any other credits.

If the trust or estate is a nonresident, you must apply this credit to the Montana income tax computed on line 40 as if it were a resident.

Line 42 - Resident Tax After Capital Gains Tax Credit. Complete line 42 if you are a resident or nonresident.

If you are a resident, this is your resident tax after capital gains tax credit. Skip line 42a and go to line 43.

If you are a nonresident go to line 42a.

Line 42a - Nonresident Tax after Capital Gains Credit. Complete Schedule II on page xx of Form FID-3 to figure the nonresident tax. Enter the result from line 17 of Schedule II on line 42a.

Line 43 - Tax on Lump-Sum Distributions. If you qualify on your federal tax return for special averaging of your lump-sum distribution and have not included it as ordinary pension income in federal adjusted gross income, you must pay Montana income tax on this distribution. Your Montana tax liability on the lump-sum distribution is 10% of the federal tax calculated on federal Form 4972. Attach a copy of federal Form 4972.

Line 44 - Total Tax. If the estate or trust is a resident, add lines 42 and 43 and enter the result on line 44. If it is a nonresident, add lines 42a and 43 and enter the result on line 44.

Line 45 – Total Nonrefundable Credits. Enter the amount from Schedule III, line 24, but do not enter an amount larger than the amount on line 44. This

is your total nonrefundable credits. Please attach the applicable information if required.

Line 46 – Tax Less Credits. Subtract line 45 from line 44. If zero or less, enter zero.

Recapture Taxes

Some deductions and tax credits have provisions requiring a recapture of the tax benefit you received in an earlier year if you do not meet certain requirements in subsequent tax years.

Line 47 9 - Endowment Credit Recapture Tax. If you previously claimed an endowment credit and you have also taken a charitable deduction for a gift that you contributed to a qualified endowment and you now have received the gift back, you are required to recapture the previous credit. The credit will need to be recaptured to the extent it reduced your income tax liability in a previous year. In addition, you will need to include in your income any amounts that were previously deduction as a deduction.

Enter on line 47, the amount of your endowment credit recapture tax. If, in addition to your recapture tax, part of the amount that is recaptured was claimed as a charitable contribution in a prior year, you will have to include in income on line 19, Form FID-3, any recoveries of this prior year deduction that reduced your tax liability in the year of that deduction.

Line 48 - Tax Liability. Add lines 46 and 47 and enter the result here.

Line 49 - Montana Income Tax Withheld. Enter the amount of your Montana income tax withheld and reported on federal Form W-2, box 17 or on federal Form 1099-R, box 10. When claiming Montana income tax withheld, you are required to attach a copy of your withholding statement(s) (federal Forms W-2 or 1099-R). Do not report amounts that are reported to you on Montana Form PT-WH or Montana Mineral Royalty Withholding on this line.

NEW--Line 50 - Montana Mineral Royalty Tax Withheld. Beginning in 2008, royalty payments

made to owners of Montana mineral rights are subject to state income tax withholding. This amount should not be confused with amounts subtracted from your royalty payments for production taxes. Enter the amount of the Montana income tax withheld from royalty payments received during the year. This amount is generally reported on federal Form 1099. If the mineral rights are held by a partnership or S corporation and you have an ownership interest in that entity, enter the amount reported to you as your share of the withholding.

Line 51- Estimated Tax Payments. If you have made estimated tax payments, enter the total of the estimated tax payments. Include in this amount the 2007 refund that you requested to be applied to the 2008 estimated income tax payments. Include on this line any amounts that are reported to you on Montana Form PT-WH. The Form PT-WH will show withholding (if applicable) from your ownership in an S corporation, partnership or disregarded entity. Do not include in this total any income taxes paid for a previous year since these are not estimated taxes paid for tax year 2008.

Line 52 5 - Extension Payments. If you paid an extension payment on or before April 15, 2009 in order to qualify for an extension to file your tax return, enter that amount on this line. To determine if you need to make an extension payment, complete the Extension Payment Calculation Worksheet, Montana Form EXT-08.

Line 53 6 - Refundable Credits. You may be eligible for one or more of the four refundable credits that are available on your Montana income tax return. Complete Schedule III, page xx to determine the amount of the refundable credits to enter on this line. Refer to the section of instructions on Montana tax credits found on page xx for a detailed explanation of these refundable credits.

Line 54 - Total Payments and Refundable Credits. Add lines 49 through 53 and enter the result on line 54. This is your total payments and refundable credits.

Line 55 – Net Tax Due. If line 48 is greater than line 54, subtract line 48 from line 54. This is your tax due.

Line 56 – Net Tax Overpaid. If line 54 is greater than line 48, subtract line 54 from line 48. This is your tax overpaid.

The Amount You Owe

Line 57 - Interest on Underpayment of Estimated Taxes. You are required to pay your income tax liability throughout the year if you expect to owe an income tax liability of at least \$500 after you subtract your tax credits and withholding payments. You can make payments through withholding, installment payments of estimated taxes, or a combination of both.

If you did not pay in advance at least 90% of the estate's or trust's current year tax liability (after applying your credits) or 100% of the previous year's tax liability (after applying your credits), you may have to pay interest on the underpayment of your estimated tax.

To calculate your interest, please complete Form EST-I, 2008 Underpayment of Estimated Tax by Individuals and Fiduciaries. You can access this form by visiting our web site at mt.gov/revenue or by calling us at (406) 444-6900.

Line 58 - Late File, Late Pay Penalties and Interest.

- **Late File Penalty.** If you file your tax return after April 15, 2009, or October 15, 2009 if you have a valid extension, you will be assessed a late file penalty if tax due is reported on line 55. The penalty is equal to \$50 or the amount of tax due, whichever is less. If you are filing your tax return late and you have a refund, you are not assessed a late file penalty.

To calculate your late file penalty, compare the amount on line 55 to \$50. Your late file penalty is the lesser of these amounts.

- **Late Pay Penalty.** If you have not paid 100% of your income tax liability by April 15, 2009, you are liable for a late payment penalty. Your late

payment penalty is equal to 1.2% per month or fraction of a calendar month on the unpaid balance from April 15, 2009 until it is paid. Please remember that an extension to file your return does not give you an extension to pay your tax. To calculate your late payment penalty, multiply the amount on line 55 by 1.2% per month or fraction of a calendar month your payment is late. For example, if you do not have a valid extension and did not pay your tax due until May 10, 2009, your late payment penalty will be 2.4% (two months or fractions of a month x 1.2%) of the unpaid tax. In no instance will your late payment penalty exceed 12% (10 months X 1.2%).

- **Interest.** If you have not paid 100% of your income tax liability by April 15, 2009, you will have to pay 8% annual interest computed daily on your unpaid balance. As with the late payment penalty, an extension of time to file your return does not extend the due date for paying your income tax so interest accrues from the original due date.

To calculate your interest, multiply the amount on line 55 by 0.000xxxx (0.0xxxx%) times the number of days after April 15, 2009 your payment was submitted.

Please remember that a valid extension of time to file your tax return by October 15, 2009 does not extend the due date to pay your income tax later than April 15, 2009.

If you owe more than one of the items listed above, enter each applicable amount in the following worksheet.

Type	Amount
Late file penalty	_____
Late pay penalty	_____
Interest	_____
Total	_____

Enter the total on line 59. (You may wish to keep this worksheet as part of your records for future reference.)

Line 59 60 - Other Penalties. Include on Form FID-3, line 59, any of the following penalties if they apply to your situation.

- **First-Time Home Buyer Savings Account 10% Penalty.** If you withdrew funds from your first-time home buyer savings account for purposes other than to pay for eligible costs for the purchase of a single family residence, you are required to pay a 10% penalty on the withdrawal unless the withdrawal is on the last business day of the business year. Complete Form FTB-P and enter the amount of the penalty on line 59. Attach a copy of the Form FTB-P to the tax return.
- **Medical Care Savings Account 10% Penalty.** If you withdrew funds from your medical care savings account for purposes other than to pay for eligible medical costs, you are required to pay a 10% penalty on the withdrawal, unless the withdrawal is on the last business day of your business year. Complete Form MSA-P and enter the amount of the penalty on line 59 and attach a copy of Form MSA-P to the tax return.
- **Farm and Ranch Risk Management Account 10% Penalty.** If you have not distributed the deposits and income from your farm and ranch risk management account within five years, they are considered distributed. A 10% penalty is required on the amount of tax due on the amount considered distributed. Enter on Form FID-3, line 60, the amount of the farm and ranch risk management account 10% penalty.

If you are required to pay more than one of the penalties listed above, enter on line 59, the sum of the penalties.

Line 60 - Contributions to Montana Check-Off Programs. Montana's tax statutes provide you with the opportunity to contribute, via your income tax return, to the following programs. You can contribute any amount to any one of these five programs. Your contribution will increase the amount you owe or reduce the amount of your refund.

- **Line 60a - Nongame Wildlife Program.** Your contributions to this program are used to ensure the well-being of Montana's watchable wildlife species, such as eagles, herons, bluebirds, great horned owls, loons, chipmunks, pikas, flying squirrels and painted turtles.
- **Line 60b - Child Abuse Prevention Program.** Your contributions to this program fund services and activities related to the prevention of child abuse and neglect. If you enclose a separate check with your timely filed tax return you are allowed to take an itemized deduction for the amount of the contribution on the tax return you are filing with this contribution.
- **Line 60c - Agriculture in Montana Schools Program.** Your contributions to this program fund the development and presentation of educational programs. This program ensures Montana's young people have a better understanding of agriculture in our state and how it relates to the rest of the world.
- **Line 60d - End-stage Renal Disease Program.** Your contributions fund a program for persons suffering from end-stage renal disease. This program assists persons suffering from chronic renal disease in obtaining the medical, nursing, pharmaceutical and technical services necessary to care for the disease.
- **Line 60e - Montana Military Family Relief Fund.** Your contributions to this program fund grants that help Montana families defray the costs of food, housing, utilities, medical services, and other expenses that become difficult to

afford when a wage-earner has temporarily left civilian employment to be placed on active military duty.

Line 61 - Total Tax, Penalties, Interest and Contributions. Add the amounts on lines 57 through 60, and enter the result on line 61. This is your total penalties, interest and check-off program contributions.

Line 62 - Amount that You Owe. If there is an amount on line 55 (net tax due), add lines 55 and 61 and enter the result on line 62.

Line 63 - Amount that You Owe. If there is an amount on line 56 (net tax overpaid) and it is less than line 61, subtract line 56 from line 61 and enter the result on line 63.

You can pay the amount you owe by personal check, money order, cashier's check, credit card or e-check. When you send your payment, please make it payable to the Montana Department of Revenue and use the coupon that we have provided with this income tax booklet. When you pay by personal check, money order or cashier's check, please write your FEIN and "Tax Year 2008" on the memo line of the check.

If you wish to pay the amount that you owe by credit card or e-check, please visit our website at mt.gov/revenue and click on Income Tax Express. We accept only Visa or MasterCard when you use a credit card.

If you cannot pay the entire amount that you owe with your tax return, we encourage you to file your return timely and pay as much as possible. By filing and paying as much as you can by April 15, 2009, you will not be assessed a late file penalty, and you will reduce the amount of your late payment penalties and interest that is assessed against your outstanding balance. If you need to establish a payment plan, please call us at (406) 444-6900 as soon as possible to discuss your options and make payment arrangements.

Line 64 - Overpayment. If there is an amount on line 56 (net tax overpaid) and it is greater than line

61, subtract line 61 from line 56 and enter the result here. This is your overpayment.

Line 65 - Enter the amount of your overpayment from line 64 that you want applied to the 2009 estimated tax account.

Line 66 - Net Refund. Subtract line 65 from line 64 and enter the result here. This is the amount of your refund. Only refunds more than \$1.00 will be issued.

If you wish to use direct deposit, in the space provided, enter your financial institution's routing number (RTN#), your account number (ACCT#) and whether this account is your checking or savings account. Your routing number will be nine digits and your account can be up to 17 characters (both numeric and alpha). A sample check is provided for your convenience. Your direct deposit will be rejected if the routing number or account number is incorrectly listed. If your direct deposit is rejected, we will have to mail you a refund check.

Schedule I - Distribution to Beneficiaries

This schedule must list the name, address, social security number, federal employer identification number, and residency status of each beneficiary. In addition, you must provide each beneficiary's share of income or loss. Please use the dollar amount and not the percentage. If there are more than 10 beneficiaries, attach a separate schedule.

Schedule II - Nonresident Estate and Trust Identification of Montana Source Income

Please show the total income in column A and the Montana portion of that income in column B of Form FID-3, Schedule II. Include only the income that has not been distributed.

The following line-by-line instructions are for nonresident estates and trusts that have Montana source income.

Line 1 - Interest Income. Enter on line 1 that portion of the interest income that was received from an installment sale of real property in Montana. Include on line 1 any interest that was received from a business or commercial property

that is located in Montana and that is included in the total federal income on Form FID-3, line 1.

Interest received from financial institutions, notes, dividends on capital stock, royalties from patents and copyrights is not taxable to Montana.

Line 2 - Ordinary Dividends. Generally, the dividends are not considered Montana source income and should not be included on line 2.

Line 3 - Business Income or Loss. Enter on line 3 that portion of the net income or loss that is reported on Form FID-3, line 3 that was received from any trade, business, profession, or occupation carried on in Montana. If you have more than one business, complete a separate federal Schedule C for each business activity.

Line 4 - Capital Gain or Loss. Enter on line 4 that portion of the gains or losses that are included in the total on Form FID-3, line 4, that was received on the sale or transfer of tangible property located in Montana. A gain or loss from tangible property that is used or held in connection with the trade or business or occupation, is reportable here.

Line 5 - Montana Source Rental Real Estate, Royalties, Partnerships, S Corporations, etc. If the estate or trust is a nonresident entity, enter the Montana portion of the following income or losses that are included in the total income on Form FID-3, line 5:

- Net rental income or loss from real property and tangible personal property located in Montana.
- Net royalties to the extent that the income received is for the production, fabrication, manufacturing, or other processing in Montana, or the patented product is produced in Montana.
- Net copyright royalties to the extent that the printing and other publication originated in Montana.
- Partnership income derived from a trade, business, occupation or profession carried on in Montana.
- S corporation income derived from a trade, business, occupation or profession carried on in

Montana. S corporation income or loss is a shareholder's percentage of the corporation's net income and deductions derived from Montana. Attach Schedule K-1(s).

- Estate and trust income derived from a trade, business, occupation or profession carried on in Montana. Estate and trust income or loss is the beneficiary's share of the income and deductions from a trust, which has nexus in Montana. Attach Schedule K-1(s).

Line 6 - Farm Income or Loss. Report the farm income or loss that was received from the farming activity carried on in Montana. Attach a separate federal Schedule F if necessary, showing only the Montana farm activity.

Line 7 - Ordinary Gain or Loss. Enter here an ordinary gain or loss that was received from the sale or exchange of business property located in Montana and reported on the federal Form 4797. Attach a copy of the Form 4797.

Line 8 - Other Income. Enter any other income attributed to Montana that is not identified on lines 1 through 7. This includes, but is not limited to:

- Montana lottery winnings
- Non-employee compensation

Line 9 - Montana Source Interest and Mutual Fund Dividends From Other States, County or Municipal Funds. Enter the interest and dividend income from bonds and obligations of other states or their political subdivisions that are attributed to Montana.

Line 10 - Montana Source Dividends Not Included in Federal Total Income. Enter the amount of the dividends that you received as Montana source income that are not already included in your total federal income.

Line 11 - Montana Source Federal Refund. If a federal tax deduction was claimed in a prior year, any refund of that tax is income in the year it is received.

Line 12 - Other Recoveries. If a deduction in a prior year was claimed and reduced the Montana

taxable income, and you were subsequently reimbursed, please show that reimbursement here.

Line 13 - Other Montana Source Additions. Enter any other source of Montana income that has not been included or identified in the lines above.

Line 14 - Total Montana Source Income. Add lines 1 through 13, Form FID-3, Schedule II.

Line 15 - Nonresident Tax Computation. Divide the amount in column B, line 14, by the amount in column A, line 14 and enter the result on line 15. Carry to four decimal places and do not enter more than 100%.

Line 16 - Nonresident Estate and Trust Tax. Enter your resident tax after capital gains credit reported on Form FID-3, line 42.

Line 17 - Nonresident Estate and Trust Tax After Capital Gains Tax Credit. Multiply the amount on line 16 by the percentage amount on line 15. This is the amount of the nonresident tax after the capital gains tax credit. Enter the result on Form FID-3, page 2, line 42a.

Schedule III - Montana Tax Credits

There are three categories of credits available on the Montana FID-3 form. With the exception to the capital gains credit, which is required to be applied before any other credit, you are not required to apply any of the other credits in a particular order.

For detailed instructions and forms, please visit our website, www.mt.gov/revenue/forms.

- **Nonrefundable single-year credits.** The nonrefundable single-year credits can only be used to offset the 2008 tax after the capital gains credit and cannot reduce the tax liability below zero. The unused portion of the nonrefundable single-year credits that exceed the 2008 tax liability are lost and are unable to be used in future years.
- **Nonrefundable carryover credits.** The nonrefundable carryover credits can be used to offset the 2008 tax after capital gains credit and cannot reduce the tax liability below zero. The excess nonrefundable credits that were not

applied against the 2008 tax liability can be carried over and used to offset future year tax liabilities.

- **Refundable credits.** The refundable credits are applied against the income tax liability with any unused credit refunded to you.

If the trust is a grantor trust, the credits are reported on the Montana individual income tax return.

Nonrefundable Single-Year Credits

Line 1 - Credit for Tax Paid to Another State or Country. 15-30-124, MCA. This credit is available to resident beneficiaries and to resident estates and trusts only. To the extent you claimed the foreign tax credit on your federal tax return, you cannot use this credit.

If all or part of the income reported on this tax return is subject to taxation in another state or country and you have filed a tax return and paid a net income tax to a state or foreign country, a credit may be claimed against the Montana income tax. A credit is allowable against the Montana income tax only if the tax paid to a state or foreign country was based on net income of the same taxable year and only if the income taxed by the state or foreign country was derived from sources without Montana. A copy of the tax return filed with any state or foreign country for which credit is claimed must be attached to Form FID-3. To determine if a credit is available, complete Form FID-3, page 6, Schedule IV.

If you are a shareholder of an S corporation or a partner in a partnership and the S corporation or partnership pays an income tax, excise tax, or franchise tax which was measured by and imposed on net income to another state or country, you may claim a credit for your share of these taxes paid by the entity.

You are not allowed to use other taxes paid by the S corporation or partnership, such as, but not limited to, franchise or license taxes or fees that are not imposed on or measured by net income, gross receipt taxes or gross sales taxes.

When you claim this credit for the taxes paid by the entity, you will have to add back to the Montana income your share of the S corporation's or partnership's federal tax deduction that is included in your total income. This is required whether or not the S corporation or partnership separately or non-separately stated the income tax deduction on the federal Form K-1.

If you are required to file an income tax return in more than one state or country and you are entitled to the credit, complete a separate Schedule IV for each state or country in which an income tax return was filed, and tax was paid on the income that is also taxed to Montana.

A credit is not allowed if the other state or country in which you have filed has allowed a credit against the taxes they have imposed on the net income.

When calculating the credit on Form FID-3, page 6, Schedule IV, do not include penalties and interest that you paid to the other state or country in the calculation.

Line 2 - College Contribution Credit (Form CC). 15-30-163, MCA. Taxpayers who make charitable contributions to the general endowment funds of the Montana University System or to the general endowment fund of a Montana private college or its foundation during the year are allowed a credit in the amount of 10% of the aggregate of these contributions. The maximum amount of credit that can be claimed is \$500 per year with no provision for carry-back or carry-over.

Line 3 - Qualified Endowment Credit (Form QEC). 15-30-167, MCA. Beneficiaries are entitled to a credit for 40% of the present value of a planned gift made during the year to the qualified Montana endowment or for 20% of a direct contribution to a qualified endowment. The maximum amount of the credit that a beneficiary may claim is \$10,000 with no provision for carry-back or carry-over. The value of the gift that you used when you calculated the credit cannot be claimed as a charitable contribution on Form FID-3, line 29. To learn more about the endowments statewide, visit the Governor's Task Force on

Endowed Philanthropy website at www.endowmontana.org/.

Line 4 - Energy Conservation Installation Credit (Form ENRG-C). 15-32-109, MCA. If the estate or trust is a resident entity, a credit against the income tax liability may be claimed for energy conservation investments made. The credit is equal to 25% of the expenses for a maximum credit of up to \$500 per resident taxpayer. Examples of the capital investments that qualify for this credit are hot water heaters and household heating or cooling systems. In order to qualify for the credit, proof must be available that the investment will reduce the waste or dissipation of energy or reduce the amount of energy required to accomplish a given amount of work.

Line 5 - Alternative Fuel Credit (Form AF CR). 15-30-164, MCA. You can claim a credit for equipment and labor costs that you incur in order to convert a motor vehicle licensed in Montana to operate on alternative fuel. The maximum credit is equal to 50% of the equipment and labor costs incurred but cannot exceed: \$500 for conversion of a motor vehicle with a gross weight of 10,000 pounds or less; \$1,000 for conversion of a motor vehicle with a gross vehicle weight over 10,000 pounds.

The credit should not be confused with the federal deduction for the purchase of a qualified clean-air vehicle.

Line 6 - Health Insurance for Uninsured Montanans Credit (Form HI). 15-30-185, MCA. Employers can claim a credit for the health insurance premiums that are paid by that employer for its employees. If you are using insurance premiums to calculate the Insure Montana credit (line 29) these premium payments cannot be used to calculate the Health Insurance for Uninsured Montanans credit.

Line 7 - Elderly Care Credit (Form ECC) 15-30-128, MCA. You can claim a credit against the income tax liability for paying certain expenses of providing care to an elderly family member. The credit is limited to \$5,000 per qualifying family

member in a taxable year and to \$10,000 total for two or more family members in a taxable year. For detailed instructions, see Form ECC. If the credit is claimed, attach a copy of Form ECC to the tax return.

Line 8 - Recycle Credit/Deduction (Form R CYL). 15-32-602-603, MCA. A business is entitled to a credit for investments in equipment or machinery used to collect, process, or manufacture a product from reclaimed material or depreciable property that treats soil contaminated by hazardous wastes. The credit is a percentage (5% to 25%) of the cost of the property, before consideration of trade-in equipment. An exception to this is that the basis will be reduced by any trade-in for which this credit has previously been taken.

Line 9 - Oilseed Crushing and Biodiesel/Biolubricant Production Credit (Form OSC). 15-32-701 and 15-32-702, MCA. You can claim a credit for the cost of investments in qualifying depreciable property used to crush oilseed crops for the purpose of making biodiesel fuel or biolubricant, or used to construct or equip a facility in Montana to be used for producing biodiesel or biolubricant. This credit can be carried over for seven succeeding years if the facility is crushing oilseed during that tax period. If the facility for which the credit is claimed ceases operations for a period of 12 consecutive months within five years of claiming the credit, the credit is subject to recapture.

Line 10 - Biodiesel Blending and Storage Credit (Form BBSC). 15-32-703, MCA. A credit can be claimed by a qualified taxpayer for the cost of investments in depreciable property used for storing or blending biodiesel made from Montana products with petroleum diesel for sale. This credit can be carried over for seven succeeding tax years if the facility is blending or storing biodiesel for blending. If the facility ceases blending biodiesel for sale for a period of 12 consecutive months within five years of claiming the credit, the credit is subject to recapture. If the facility's biodiesel sales are not at least 2% of all diesel sales by the end of the third

year after the credit is initially claimed, the credit is subject to recapture.

Nonrefundable Carryover Credits

Line 11 - Contractor's Gross Receipts Tax Credit. 15-50-207, MCA. A business is entitled to a credit for the public contractor's gross receipts tax paid. The credit is the gross receipts tax paid throughout the year after the personal property taxes are deducted. If the business reports its income on a percentage-of-completion basis, the credit has to be prorated proportionately. To support the credit that you claim, attach a schedule or statement including the contract name (and number, if any); location; general description (for example: building, road, bridge, etc.); name of awarding agency and the prime contractor and the amount of gross receipts tax paid, as well as the amount that has been applied to personal property taxes. The credit cannot exceed the tax liability and any credit balance remaining can be carried forward by beneficiaries for five succeeding tax years.

Line 12 - Geothermal System Credit (Form ENRG-A). 15-32-115, MCA. A credit can be claimed for a portion of the installation costs of a geothermal system in the taxpayer's principal dwelling or in a residence constructed by the taxpayer. Only one credit may be claimed for a residence. The credit of \$1,500 can be carried forward for seven succeeding tax years.

Line 13 - Alternative Energy Systems Credit (Form ENRG-B). 15-32-201, MCA. A credit can be claimed for the cost of purchasing and installing an energy system using a recognized non-fossil form of energy, such as, but not limited to, solar energy, wind energy, solid waste, and organic waste in the principal home. Also qualifying is the cost of purchasing and installing an energy system using a low-emission wood or biomass combustion device, such as a pellet or wood stove in the principal residence. The credit of \$500 per resident taxpayer can be carried forward for four succeeding tax years.

Line 14 - Alternative Energy Production Credit (Form AEPC). 15-32-402, MCA. A credit is available for a qualified investment of \$5,000 or more in depreciable property for the use of a commercial system or a net metering system that is located in Montana and that generates energy by means of an alternative renewable energy source. The credit is 35% of the eligible costs associated with the purchase, installation, or upgrading of generating equipment, safety devices and storage equipment, transmission lines necessary to connect with existing transmission facilities, and transmission lines necessary to connect directly to the purchaser of the electricity when no other transmission facilities are available. The credit is further limited, in that it can only be applied against the tax liability due as a consequence of the alternative energy system generating taxable or net income. The credit can be carried forward for seven succeeding years. An exception to the seven year carry forward period applies when the investment is located within the exterior boundaries of a Montana Indian reservation.

Line 15 - Dependent Care Assistance Credit (Form DCAC). 15-30-186 and 15-31-131, MCA. An employer can claim a credit for amounts paid or incurred for dependent care assistance provided to employees. This assistance can be in the form of:

- acquiring, constructing, reconstructing, renovating, or improving real property for primary use as a day care facility
- providing dependent care assistance to employees that meet the requirements of IRS code 26 USC 129(d)(2) through (d)(6)
- providing information and referral services to assist employees within the state in obtaining dependent care

Line 16 - Historic Property Preservation Credit (Federal Form 3468). 15-30-180, MCA. A credit equal to 25% of the federal rehabilitation credit provided in IRC Section 47(a)(2) for the preservation of certain historic buildings located in Montana is allowed. If this credit is claimed, attach a copy of the federal Form 3468 to the tax return.

As an alternative to the percentage of the federal rehabilitation credit, a credit equal to 20% of the cost of creating a conservation easement and for the diminishing value of the historic property, including its building and structure, that resulted from placing a conservation easement on the property may be claimed.

Line 17 - Montana Capital Company Credit. 90-8-202, MCA. A credit against the tax liability may be claimed if you have a Montana capital company credit carryover. No new capital company credits are available at this time. The credit is available if an investment was made in a qualified Montana capital company within four years of July 1, 1987 or in a qualified Montana small business investment capital company within four years of July 1, 1991. Report the carryover of Montana capital company credit on Form FID-3, page 5, line 19.

Line 18 - Infrastructure Users Fee Credit. 17-6-316, MCA. A business located in Montana can qualify for a credit for the infrastructure user's fee paid by your new business to a local government. To claim this credit you have to meet the criteria set forth in 17-6-309(2), MCA, and pay the infrastructure users fee. If this credit is claimed, a statement from the county certifying the amount of the infrastructure user's fee paid and the timeliness of the payment must be attached. The unused portion of the infrastructure user's fee credit may be carried back three years or carried forward seven years.

Line 19 - Empowerment Zone Credit. 15-30-182, MCA. If you are an employer who has a business in an empowerment zone, you are allowed a credit for each new qualifying employee. To be eligible for this credit you have to be certified by the Montana Department of Labor and Industry. The credit may be carried back three years and carried forward seven years.

Line 20 - Increasing Research Activities Credit (Form RSCH). 15-30-168 and 15-31-150, MCA. A credit against the tax liability may be claimed for the increase in qualified research expenses and basic research payments that your business conducted in

Montana. The credit is determined in accordance with Section 41 of the Internal Revenue Code. The applicable percentage rate for the Montana credit is 5%.

Line 21 - Mineral Exploration Incentive Credit (Form MINE-CRED). 15-32-503, MCA. A credit can be claimed for certified expenditures of mining exploration activities. Certified expenditures are the costs that are incurred for activities that directly support the exploration activity conducted at a specific exploration site. This credit applies to activities associated with both new mines and mines that are being reopened. To obtain this credit, you will first have to submit a request that details the work done and the expenses incurred. This has to be done within 60 days following the end of the calendar year and reported on a form provided by the Department of Revenue. The department has until September 30 to certify whether expenses qualify for the credit.

Line 22 - Film Employment Production Credit (Form FPC). 15-31-907, MCA. You can claim a credit against the tax liability for employing residents of Montana in a state-certified production. The credit is equal to the sum of 14% of the first \$50,000 or less that was compensated to each Montana resident who was employed in a state-certified production.

When claiming the employment production credit, you cannot include the compensation used to calculate the credit as a deduction when computing your net income for corporate license tax or individual income tax purposes.

When claiming the credit, you will make a one-time election to either:

- apply the credit against the tax liability by reporting it on Form FID-3, page 5, Schedule III, line 24 and carrying forward any unused credit to be applied against the tax liability in subsequent years; or
- apply the credit against the tax liability by reporting it on Form FID-3, page 5, Schedule III,

line 27 in which any unused credit is refunded to you.

Line 23 - Adoption Tax Credit. 15-30-135, MCA. You can claim a credit against your income tax liability if you finalized the adoption of an *eligible child* in 2007. An eligible child is:

- any child under age 18, or
- any disabled person physically or mentally unable to take care of himself or herself.

The amount of the credit is \$1,000 per child. If the amount of the credit exceeds your tax liability for 2007, you can carry over the unused credit to the next five tax years. You are not eligible for this credit if you finalized an adoption before January 1, 2007 but have unused federal adoption credit that you are carrying forward. Attach a copy of federal Form 8839.

Refundable Credits

Line 25 - Film Employment Production Credit (Form FPC). 15-31-907, MCA. You can receive a refundable film employment production credit if you made the one time election to apply the credit against the tax liability and requested a refund of the unused credit. You may also elect to carry forward the credit.

The film employment production credit is equal to the sum of 14% of the first \$50,000 or less that was compensated to each Montana resident who was employed in a state certified production.

When claiming the employment production credit, you cannot include the compensation used to calculate the credit as a deduction when computing your net income for corporate license tax or individual income tax purposes.

Line 26 - Film Qualified Expenditures Credit (Form FPC). 15-31-908, MCA. You can receive a refundable film qualified expenditures credit for expenditures made in Montana in connection with your state-certified production. The credit is equal to 9% of the total qualified expenses incurred in connection with the production.

When claiming the qualified expenditure credit, you cannot include the expenditures used to calculate the credit as a deduction when computing your net income for corporate license tax or individual income tax purposes.

Line 27 - Insure Montana Small Business Health Insurance Credit. If you were the owner of a business that received a tax credit from the Insure Montana Small Business Health Insurance program, enter the amount of credit you are entitled to on line 29. The amount of credit you may claim is the total credit amount issued to the business multiplied by your ownership percentage. For example, if you were a 50% owner and the business received \$6,000 in tax credit, you are entitled to claim \$3,000 ($\$6,000 \times 0.50$ (50%).

If you are using insurance premiums to calculate the Health Insurance for Uninsured Montanans credit (line 6) these premium payments cannot be used to calculate the Insure Montana credit.

Enter the Federal Employer Identification Number (FEIN) of the business which received the credit in the space provided. If you were the owner of more than one company receiving the credit, enter the FEIN of the company that received the highest amount of credit. Attach a copy of the most recent certificate from the State Auditor's Office providing the amount of tax credit the business received.

Additionally, the premiums paid for these policies are not allowed as a deduction. Please see instructions for line 15 (Other Additions) on page 4.

NEW—Line 28 - Temporary Emergency Lodging Credit. For tax years beginning after December 31, 2007, a refundable tax credit is available for licensed establishments that provide short-term emergency lodging under the Temporary Emergency Lodging Program. The program helps provide lodging for individuals or families who have been displaced from their residence and have been referred to the establishment by a charitable organization approved by the Montana Department of Public Health and Human Services. Please visit their website at <http://www.dphhs.mt.gov/PHSD/Food->

[consumer/emergency-lodging.shtml](#) for additional information regarding participation in this program.

The credit is \$30 for each night of lodging provided by the establishment. An individual may claim the credit if they are the owner of the establishment or they have an ownership interest in the partnership or S corporation that owns the establishment.

For further instructions on the temporary emergency lodging credit and to calculate this credit, see Montana Form TELC. When you claim this credit, you will have to attach a copy of Montana Form TELC to your income tax return.

Schedule IV - Credit for an Income Tax Liability Paid to Another State or Country, Full-Year Resident Only

A resident estate or trust may claim a credit for an income tax liability paid to another state or country by the estate or trust, its S corporation or partnership. If your estate or trust claims this credit for an income tax paid by its S corporation or partnership, the estate or trust will need to include its share of the S corporation's or partnership's deduction for income tax paid, as an addition to net income on Form FID-3, line 15.

- Your credit is limited to an income tax liability paid on income that is also taxed by Montana.
- Your income taxes paid include excise taxes or franchise taxes that are imposed on and measured by the net income of your S corporation or partnership.
- This is a nonrefundable credit and cannot reduce your Montana tax liability below zero.
- This is a nonrefundable single year credit. No unused credit amount can be carried forward.
- You will need to complete a separate Schedule IV for each state or country that you have paid an income tax liability to. You can not combine payments on one schedule.

Schedule V - Reporting of Special Transactions

Complete Schedule V only if the estate or trust was required to complete for federal income tax purposes one or more of the federal forms that are identified on this schedule. If the estate or trust is required to complete this schedule because you have answered "yes" to one or more of the statements, attach a copy of the federal Form 1041 and the corresponding federal form to the Montana fiduciary tax return. For further information on the reporting of special transactions, see Schedule V.